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## FENWICK &amp; WEST LLP

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## FACSIMILE TRANSMISSION

CONFIDENTIAL

DATE: June 2, 2006

CLIENT-MATTER NUMBER: 16010-09591

## To:

NAME:	FAX No.:	PHONE No.:
U.S. Patent & Trademark Office	(571) 273-8300	

FR 20 011

FROM: Rajiv P. Patel

PHONE:

(650) 335-7607

RE: Application No. 09/800,080 Filed: March 5, 2001

NUMBER OF PAGES WITH COVER PAGE: 10

## MESSAGE:

Pursuant to my conversation with Examiner Barot on June 1, 2006, attached is a Transmittal, Fee Transmittal, and Amendment After Final for filing. Please deduct the 1-mo. extension fee from our deposit account.

## CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE OR ITS DESIGNEE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

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AS SOON AS POSSIBLE.

16010/09591/DOCS/1628697.1

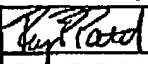
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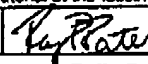
JUN 02 2006

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence during pendency of filed application)	Application Number	09/800,080	
	Filing Date	March 5, 2001	
	First Named Inventor	Steven J. Schaffer	
	Group Art Unit Number	2155	
	Examiner Name	Bharat Barot	
Total Number of Pages in This Submission	9	Attorney Docket Number	16010-09591

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed	<input type="checkbox"/> Issue Fee Transmittal
<input checked="" type="checkbox"/> Return Receipt Postcard	<input type="checkbox"/> Letter to Chief Draftsperson
<input type="checkbox"/> Response to Notice to File Missing Parts	<input type="checkbox"/> Formal Drawing(s): [ ] Sheet(s) of Figure(s) [ ]
<input type="checkbox"/> Assignment & Recordation Cover Sheet	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Declaration	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Application Data Sheet	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of IDS Cited References	<input type="checkbox"/>
<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/>
<input type="checkbox"/> Request for Correction of Recorded Assignment	<input type="checkbox"/>
<input checked="" type="checkbox"/> Amendment/Response: [ 6 ] Pages <input checked="" type="checkbox"/> After Final	<input type="checkbox"/>
<input type="checkbox"/> Status Request	<input type="checkbox"/>
<input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/>
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT			
Signature:			
Attorney/Reg. No.:	Rajiv P. Patel, Reg. No. 39,327	Dated:	June 2, 2006

CERTIFICATE OF FACSIMILE TRANSMISSION			
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.			
Signature:			
Typed or Printed Name:	Rajiv P. Patel	Dated:	June 2, 2006
Facsimile Number:	1-571-273-8300		

16010/09591/DOCS/1628680.1

JUN 02 2006

**FEE TRANSMITTAL  
for FY 2006**

Patent fees are subject to annual revision.

Complete if Known

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 120.00

Application Number 09/800,080

Filing Date March 5, 2001

First Named Inventor Steven J. Schaffer

Examiner Name Bharat Barot

Art Unit 2155

Attorney Docket No. 16010-09591

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None  
☐ Deposit Account:

Deposit Account Number 19-2555

Deposit Account Name Fenwick &amp; West LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity/Small Entity

Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130		
1052	50		
1053	130		
1812	2,520		
1804	920*		
1805	1,840*		
1251	120		
1252	450		
1253	1020		
1254	1,590		
1255	2,160		
1401	300		
1402	500		
1403	1000		
1451	1,510		
1452	500		
1453	1,500		
1501	1,400		
1502	800		
1503	1100		
1460	—		
1807	50		
1806	180		
8021	40		
1809	790		
1810	790		
1801	790		
1802	800		

SUBTOTAL (1)

(\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

		Extra Claims		Fee from builder		Fee Paid
Total Claims		20** =	X		=	
Independent Claims		3** =	X		=	
Multiple Dependent					=	
Large Entity	Small Entity					
Fee Code (\$)	Fee Code (\$)			Fee Description		
1202 50	2202 25			Claims in excess of 20		
1201 200	2201 100			independent claims in excess of 3		
1203 360	2203 180			Multiple dependent claim, If not paid		
1204 200	2204 100			**Reissue independent claims over original patent		
1205 50	2205 25			**Reissue claims in excess of 20 and over original patent		

SUBTOTAL (2)

(\$)

\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
2051	65	Surcharge - late filing fee or oath or declaration	
2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	Non-English specification	
1812	2,520	For filing a request for ex parte reexamination	
1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	Extension for reply within first month	120.00
1252	450	Extension for reply within second month	
1253	1020	Extension for reply within third month	
1254	1,590	Extension for reply within fourth month	
1255	2,160	Extension for reply within fifth month	
1401	300	Notice of Appeal	
1402	500	Filing a brief in support of an appeal	
1403	1000	Request for oral hearing	
1451	1,510	Petition to institute a public use proceeding	
1452	500	Petition to revive - unavoidable	
1453	1,500	Petition to revive - unintentional	
1501	1,400	Utility issue fee (or reissue)	
1502	800	Design issue fee	
1503	1100	Plant issue fee	
1460	—	Petitions to the Director	
1807	50	Processing fee for Provisional Applications	
1806	180	Submission of Information Disclosure Stmt	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	Request for Continued Examination (RCE)	
1802	800	Request for expedited examination of a design application	

Other fee (specify):

SUBTOTAL (3) (\$)

120.00

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Name (Print/Type) Rajiv P. Pael

Registration No. 39,327

Complete (if applicable)

Telephone: (650) 335-7607

Signature

Rajiv Pael

Date

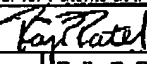
June 2, 2006

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IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Steven J. Schaffer and Jacob Weil  
SERIAL NO.: 09/800,080  
FILING DATE: March 5, 2001  
TITLE: Method for Performing Response Time Analysis of Network Performance  
EXAMINER: Bharat Barot  
GROUP ART UNIT: 2155  
ATTY. DKT. NO.: 16010-09591

CERTIFICATE OF FACSIMILE TRANSMISSION			
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Signature:			
Typed or Printed Name:	Rajiv P. Patel	Dated:	June 2, 2006
Facsimile Number:	1-571-273-8300		

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COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**AMENDMENT AFTER FINAL UNDER 37 C.F.R. § 1.116**  
**IN RESPONSE TO ADVISORY ACTION**

Sir:

This amendment for the patent application identified above is in response to the final Office action dated February 8, 2006. Applicants submit this Amendment and Response within a one-month statutory period.

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 6 of this paper.

Kindly amend this application as indicated herein.

06/05/2006 AKELECH1 00000079 192555 09800080

01 FC:1251 120.00 DA

24006/09521/DOCS/1628515.1